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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/039,668	12/31/2001	Christopher J. Edge	1001-267 US01	9447

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EXAMINER

LIU, MING HUN

ART UNIT	PAPER NUMBER
2675	5

DATE MAILED: 05/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/039,668

Applicant(s)

EDGE, CHRISTOPHER J.

Examiner

Ming-Hun Liu

Art Unit

2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-54 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-54 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)            |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>2 and 3</u> . | 6) <input type="checkbox"/> Other: ____  |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1-4, 7-10, 19 and 20 are rejected under 35 U.S.C. 102(b) as being unpatentable by US Patent 5,739,809 to McLaughlin et al.

In reference to claims 1 and 2, McLaughlin teaches a soft proofing system that includes a computer (figure 1, item 11) and a view display (item 66) that displays the image according to viewing conditions is calibrated (abstract).

In reference to claims 3 and 4, McLaughlin teaches that the calibration information includes a time frame in which the viewing station was last calibrated and prompts the user with the need to calibrate the system when the set time is exceeded (column 8, 12-25).

In reference to claim 7, McLaughlin teaches sharpening techniques being applied to the viewing stating (column 3, line 55-56).

In reference to claim 8, McLaughlin teaches a coordinate system conversion during calibration (column 7, lines 17-18).

In reference to claim 9, McLaughlin discloses that the view station does not permit modification of the view conditions (column 3, lines 40-49).

In reference to claim 10, McLaughlin's invention notifies the user when the viewing station enters or exits a "locked station" status (column 7, lines 51-65).

Claim 19 is rejected on the grounds presented in the rejection of claim 1.

In reference to claim 20, McLaughlin teaches a lock mechanism where the user cannot change the view conditions (column 7, lines 34-39).

Claims 51 and 52 are rejected under 35 U.S.C. 102(e) as being unpatentable over US Patent 6,587,116 to Hendry et al.

In reference to claims 51 and 52, Hendry teaches an display that displays a message that alerts the user that the during periods of invalid calibration (column 5, lines 4-7).

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 11-15, 18, 21-39, 53 and 54 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLaughlin.

In reference to claims 5 and 11, McLaughlin teaches a soft proofing system that prompts a user calibrate the display to view the image of the display however he remains silent on restricting the display of the image if the calibration is not conducted. However, from the disclosure on column 6, lines 35-39, it is clear that McLaughlin understands the importance of having a properly calibrated system. In addition to calibrating the system at the onset, in column 8, lines 11-16, McLaughlin demonstrates that his invention also does periodic status checks to maintain the calibration. Even though McLaughlin is silent on restricting the display of incorrectly calibrated images, his disclosure clearly demonstrates the importance of displaying only correctly calibrated images. The idea of restricting the display of incorrectly calibrated images is implied in McLaughlin's invention.

McLaughlin's invention could be easily modified to restrict the display of incorrectly calibrated images by adding a simple "If" branching block to the flow of the program.

Ones skilled in the art would have been motivated to include this restrictive algorithm to safeguard against the improper display of incorrectly calibrated images.

Claim 12 is rejected on the grounds presented in the rejection of claim 1.

Claim 13 is rejected on the grounds presented in the rejection of claim 3.

Claim 14 is rejected on the grounds presented in the rejection of claim 4.

Claim 15 is rejected on the grounds presented in the rejection of claim 5.

Claim 18 is rejected on the grounds presented in the rejection of claim 8.

In reference to claim 21, McLaughlin teaches a soft program code that used to control the display of images (column 6, lines 13-22). McLaughlin's program is similar to the claimed invention however, remains silent on restricting the display of the image if the calibration is not conducted. However, from the disclosure on column 6, lines 35-39, it is clear that McLaughlin understands the importance of having a properly calibrated system. In addition to calibrating the system at the onset, in column 8, lines 11-16, McLaughlin demonstrates that his invention also does periodic status checks to maintain the calibration. Even though McLaughlin is silent on restricting the display of incorrectly calibrated images, his disclosure clearly demonstrates the importance of displaying only correctly calibrated images. The idea of restricting the display of incorrectly calibrated images is implied in McLaughlin's invention.

McLaughlin's invention could be easily modified to restrict the display of incorrectly calibrated images by adding a simple "If" branching block to the flow of the program.

Ones skilled in the art would have been motivated to include this restrictive algorithm to safeguard against the improper display of incorrectly calibrated images.

In reference to claims 22-24, it can be seen in column 8, lines 12-17 that McLaughlin's invention can either automatically calibrate the display system or prompt the user to calibrate the system during a period of time.

In reference to claim 25, McLaughlin's viewing conditions includes an initial warm-up period for calibration on the onset of first operation of the system (column 6, lines 35-39).

Claim 26 is rejected on the grounds presented in the rejection of claim 8.

Claim 27 is rejected on the grounds presented in the rejection of claim 21.

In reference to claim 28, McLaughlin teaches a program code that limits the access to the user calibration panel so that the viewing conditions cannot be changed (column 3, lines 40-49).

In reference to claim 29, McLaughlin teaches that the view conditions comprises of information indicating the required calibration state of the display (column 3, lines 50-67).

Claim 30 is rejected on the grounds presented in the rejection of claim 25.

In reference to claim 31, McLaughlin teaches sharpening techniques being applied to the viewing stating (column 3, line 55-56).

Claim 32 is rejected on the grounds presented in the rejection of claim 21.

Claim 33 is rejected on the grounds presented in the rejection of claim 29.

Claim 34 is rejected on the grounds presented in the rejection of claim 25.

Claim 35 is rejected on the grounds presented in the rejection of claim 31.

In reference to claim 36, McLaughlin teaches on column 14, lines 15-22 that the images data has "profile data" to must be conformed to in order to properly display that image data.

In reference to claim 37, McLaughlin teaches on column 3, lines 41-49 access conditions where only administrators can change viewing conditions.

Claim 38 is rejected on the grounds presented in the rejection of claim 25.

In reference to claim 39, McLaughlin's invention constantly reminds the user of changes to the calibration established (figures 3-6).

In reference to claims 53 and 54, McLaughlin teaches the use of metadata to save the calibration information however he does not teach the relating the metadata file to contents of the folder.

McLaughlin however does teach the use of a metadata calibration “ ‘base’ or default set of display control parameters” (column 16, lines 37-42). This is essence is the same as saving calibration data in folders, however on a larger more versatile scale. Essentially a folder’s calibration data is ‘base’.

5. Claims 6, 16, 17, 40-50 are rejected under 35 U.S.C. 103(a) as being unpatentable over McLaughlin in view of US Patent 5,339,011 to Tamura et al.

In reference to claim 6, McLaughlin’s viewing conditions includes a warm-up calibration period on the onset of first operation of the system (column 6, lines 35-39). However, McLaughlin does not teach the restricting of images during the period where the display is warming up. One skilled in the display art understands that displays require warm up periods before normal operation can be assumed. The fact is obvious if not inherent to the display art. The designer then has a choice to whether to proceed with displaying images during this warm up period or restricting the display during the aforementioned period of instability.

Tamura column 11, lines 29-34, he teaches a display that during a warm-up period of instability “normal display of image is not provided until (a) stable condition is obtained”.



McLaughlin's invention could be modified to resemble Tamura's invention by also blocking the display of images during a period where the display is unstable.

It would have been obvious to one skilled in the art to restrict the display of images in conditions where the display is not properly calibrated so that images would not be shown on improperly calibrated displays.

This limitation is obvious if not inherent to the display art. Displays oftentimes require warm-up periods in order for the color to be correctly displayed. Sachs' explains that several

Claims 16 and 17 are rejected on the grounds presented in the rejection of claim 6.

In reference to claim 40, much of claim 40 is rejected on the grounds presented in the rejection of claim 6. One skilled in the art understands that display devices require warm up time before producing color corrected images.

It would have been obvious to calibrate the system after the display system has become stable.

Claim 41 is rejected on grounds presented in the rejection of claim 40.

Claim 42 is rejected on grounds presented in the rejection of claim 25.

Claim 43 is rejected on grounds presented in the rejection of claim 6.

Claim 44 is rejected on grounds presented in the rejection of claim 40.

In reference to claims 45 and 46, McLaughlin teaches an invention where the system is prints a proof of a calibrated display image however, does not teach restricting the printing of an un-calibrated image. The argument provided in the rejection of claim 5 can be used as a motivation for restricting the printing and/or displaying of un-calibrated images.

In reference to claim 47, naturally by restricting the visual display of the image, the ability to annotate the image would also be restricted.

Claim 48 is rejected on the grounds presented in the rejection of claim 12.

Claim 49 is rejected on the grounds presented in the rejection of claim 6.

Claim 50 is rejected on the grounds presented in the rejection of claim 7.

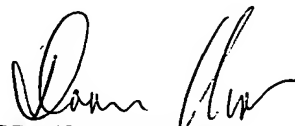
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ming-Hun Liu whose telephone number is 703-305-8488. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Steve Saras can be reached on 703-305-9720. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ming-Hun Liu

  
**DENNIS-DOON CHOW**  
**PRIMARY EXAMINER**